Justice Policy Series, Part I

Access to Justice

Open Government Partnership Global Report

DEMOCRACY BEYOND THE BALLOT BOX

Open Government Partnership

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About OGP & justice policy series

This paper is the first of three in a series on justice released as a part of the Open Government Partnership Global Report. In the coming months, the Open Government Partnership (OGP) will issue papers on *Open Justice* and *Justice as a Means to Enforce Open Government.* The series aims to highlight the important synergies between justice and open government and the ways in which countries can use OGP to make accountable, credible improvements to their justice systems.

The Global Report can be found at: https://www.opengovpartnership.org/campaigns/global-report/.

More information about the Open Government Partnership and how it works can be found at: https://www.opengovpartnership.org/about.

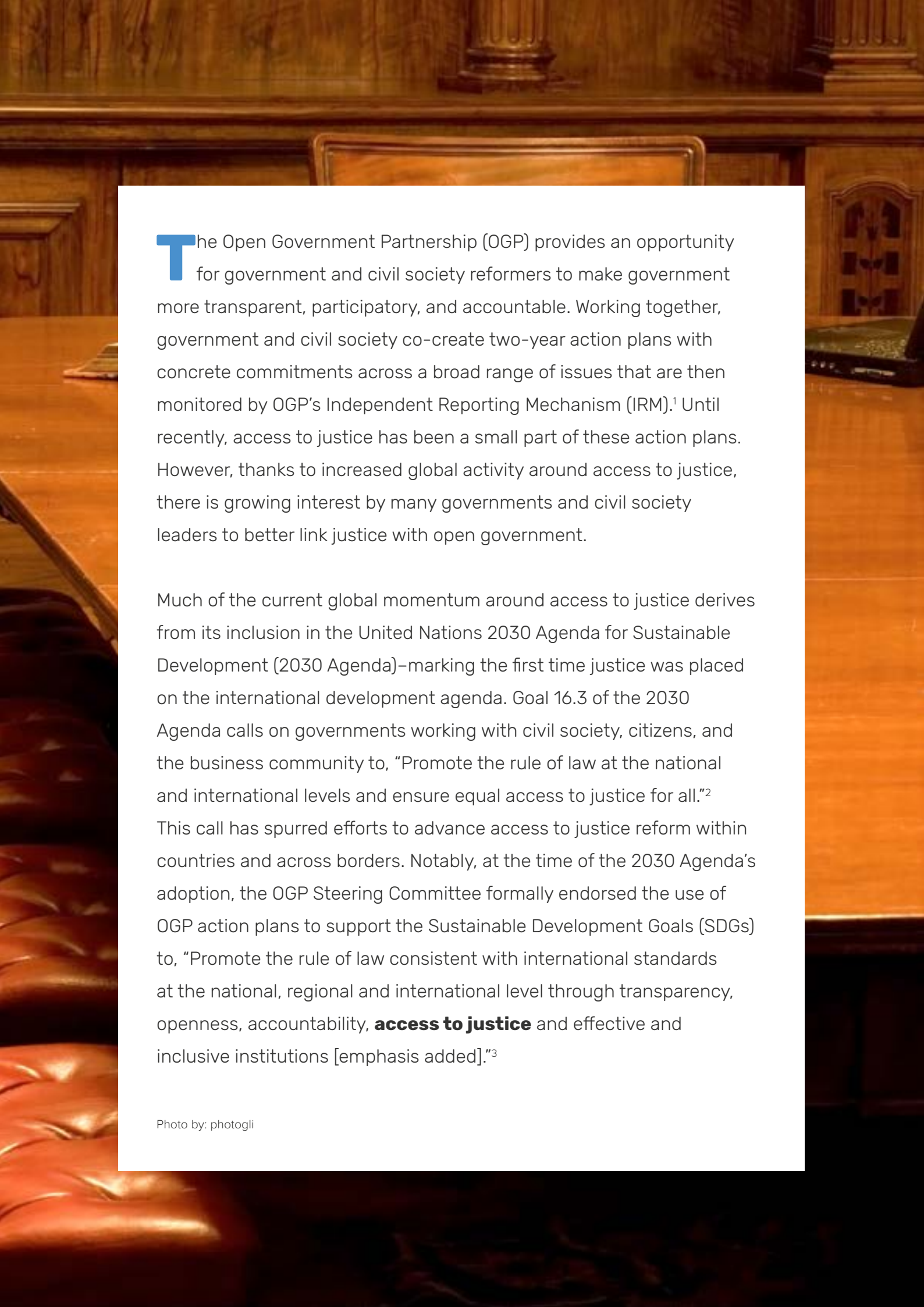
Key points

The Open Government Partnership (OGP) helps governments and civil society advance access to justice at national and local levels.

- **Existing OGP commitments on access to justice can spur new commitments across the OGP community**. A number of OGP countries have undertaken reforms for access to justice through their two-year OGP action plans, which provide an excellent basis for peer-to-peer learning and local adaptation.

- **A clear framework for developing OGP commitments on access to justice exists**. OGP countries' access to justice commitments can be divided into five primary categories, which also serve as a conceptual framework for designing future commitments. These categories are:
  1. developing and deploying legal needs assessments;
  2. enhancing the legal capability of individuals through improved access to information;
  3. improving participation in the justice system by strengthening access to and quality of legal help;
  4. strengthening forums and processes used to resolve justice problems; and
  5. improving outcomes and reducing hardship for those with legal need.

- **This paper examines where the gaps are within 60 OGP countries, using the dataset found in the World Justice Project's** *Global Insights on Access to Justice 2019*. Based on these findings, we offer suggestions on how countries can use their OGP action plans to improve access to justice and highlight ambitious or successful existing commitments.



The Open Government Partnership (OGP) provides an opportunity for government and civil society reformers to make government more transparent, participatory, and accountable. Working together, government and civil society co-create two-year action plans with concrete commitments across a broad range of issues that are then monitored by OGP's Independent Reporting Mechanism (IRM).[1] Until recently, access to justice has been a small part of these action plans. However, thanks to increased global activity around access to justice, there is growing interest by many governments and civil society leaders to better link justice with open government.

Much of the current global momentum around access to justice derives from its inclusion in the United Nations 2030 Agenda for Sustainable Development (2030 Agenda)–marking the first time justice was placed on the international development agenda. Goal 16.3 of the 2030 Agenda calls on governments working with civil society, citizens, and the business community to, "Promote the rule of law at the national and international levels and ensure equal access to justice for all."[2] This call has spurred efforts to advance access to justice reform within countries and across borders. Notably, at the time of the 2030 Agenda's adoption, the OGP Steering Committee formally endorsed the use of OGP action plans to support the Sustainable Development Goals (SDGs) to, "Promote the rule of law consistent with international standards at the national, regional and international level through transparency, openness, accountability, **access to justice** and effective and inclusive institutions [emphasis added]."[3]

Photo by: photogli

Margery Gunter, 86, is almost completely deaf, reads a question from her Legal Aid attorneys at her home in Immokalee, Florida.
Photo by: Joe Skipper, Reuters

Given these developments, justice merits greater attention within OGP. While the number of justice commitments in action plans continues to grow, overall there are still too few. And although the commitments that have been put forward could improve government transparency, civic participation, and accountability, the IRM has determined that many have not been fully implemented.

This paper encourages justice reformers to better connect with OGP and its processes as a strategy to implement change. Through OGP's built-in collaboration between government and civil society, different actors in the justice community (e.g., executive branches, judicial institutions and legal services providers) have a natural space to collaborate on making concrete commitments to improve access to justice. Moreover, OGP allows policymakers to learn from their peers in different countries. The successes and challenges faced by countries in implementing justice-related commitments–as shared through action plans and IRM assessments–can help open government advocates and policymakers in other countries develop locally-adapted commitments. This analysis explores the legal needs in OGP countries, how countries might use their OGP action plans to respond to these needs, the existing activities meeting those needs in OGP action plans, and areas for future work as suggested by OGP countries. But before we explore how OGP can advance access to justice, we must better understand why access to justice matters to OGP in the first place.

Why access to justice matters to OGP

What do we mean by access to justice? Access to justice is more than just access to lawyers or courts. It is a component of the rule of law,[4] comprised of a number of elements that at its core means that individuals and communities with legal needs know where to go for help, obtain the help they need, and move through a system that offers procedural, substantive, and expeditious justice. While a person might resolve their legal needs without a clear understanding of the law and legal institutions, it is far better to empower individuals and communities to participate actively in the resolution of their legal problems, including instances of collective injustices or structural inequalities, through their legal empowerment.[5]

Breakdowns in access to justice and their subsequent problems might appear abstract with limited impacts on individuals' daily life or their communities. However, these issues actually manifest in relatable and serious problems:

- In the civil justice system, barriers to access to justice might result in families being evicted, racial or ethnic minorities being denied health services due to discrimination, an elderly person's savings being wiped out by consumer debt, or children with special needs being shut out of educational programs.
- In the criminal justice system, problems in access to justice might result in wrongful convictions, slow courtroom procedures resulting in lengthy pretrial detention, or legal aid lawyers being forced to carry such large caseloads that they are unable to represent their clients effectively.

Globally, these types of problems are not insignificant. According to the World Justice Project's (WJP) report, *Measuring the Justice Gap*, 5.1 billion people or approximately two-thirds of the world's population are faced with at least one justice issue.[6] Remarkably, the annual cost of these justice problems ranges from 0.5% to 3% of the GDP in most countries.[7]

In addition to these everyday legal needs, underserved or marginalized communities like women or minorities also face structural injustices. These injustices might manifest as land appropriation from a specific ethnic or indigenous group, environmental destruction of an impoverished community, or rights' violations by government institutions or corporations. In its 2019 report, *Justice for All*, the Task Force on Justice details and compares justice problems and argues for structural reforms to better secure access to justice (see Table 1 from the *Justice for All* report on the following page).[8]

TABLE 1. **Commonly faced justice problems (from Task Force on Justice)**

Problems faced by individuals	Structural problems
Violence and crime, in the public sphere, at work, and at home (ex: A mother sees her son's killer on the street every day, yet he goes unpunished.)	**Violent conflict, insecurity, and organized crime** (ex: People don't dare leave their homes at night because gangs control their neighborhood.)
Disputes over housing or land, or conflicts with neighbors (ex: A family is evicted from their home and has nowhere else to go.)	**Land grabs and disputes over the exploitation of natural resources** (ex: Children are sick due to a local factory polluting a river.)
Family disputes, for example around divorce and inheritance (ex: A couple's divorce ends in a bitter fight with their children caught in the middle.)	**Discrimination against women or against vulnerable groups** (ex: A woman cannot register her business because the law requires her husband's permission.)
Problems at work, whether as an employee or business owner (ex: A young woman is not promoted after she turns down a "romantic" proposal from her boss.)	**Unsafe or abusive working conditions** (ex: A factory that violates building codes collapses, killing and injuring many workers.)
Problems with money and debt, or consumer problems (ex: An elderly man is harassed by debt collectors for a contract that he doesn't remember signing.)	**Abuses by corporations and failures of market regulation** (ex: A company is distributing fake medicines through local clinics.)
Difficulties related to access and quality of public services (ex: A family cannot get connected to the electricity grid without paying a bribe.)	**Discrimination in the provision of public services** (ex: A brother and sister are not registered for school because they belong to a minority group.)

The breadth and cost of these problems means that they cannot be ignored. Some reformers believe access to justice should be a priority because of values-based arguments centered around human rights; others think the impetus is economic efficiency and saving public resources. The very fact that interested stakeholders come from different motivations and public and private sectors makes the OGP commitment process, which encourages collaboration, well-suited for these issues.

What is the relationship between access to justice and open government? According to the OECD, access to justice is necessary to reduce poverty, increase fairness, and improve quality of life,[9] objectives shared by OGP countries, as evidenced by their commitments. But just as these objectives require access to justice, securing access to justice for individuals and their communities requires the OGP values of transparency, accountability, and participation. Nonetheless, people's participation in government actions and decisions, especially within legal processes themselves, depends on the conditions listed in Table 2.

Ronda Maria da Penha Police Squad in state of Amazonas, Brazil. Photo by: Mariana Ceratti / World Bank

TABLE 2. **The stages of the justice path or journey**[10]

Stages	What does this mean?
Legal capability	Access to justice depends on people's ability to make informed decisions to resolve their justice problems, including through their own agency or ability to access help.[11] Legal capability is tied to the concept of legal empowerment, which enables people and communities to understand and enforce their rights and participate meaningfully in society.
Sources of help	Research shows that access to help when responding to legal needs can improve access to basic human needs such as education, health care, employment, and social benefits. By accessing help when a legal problem first emerges, people might be able to avoid drawn-out processes that incur additional expense. Notably, people receive legal help from a range of sources, both professional (e.g., lawyers) and non-professional (e.g., family and friends).
Justice processes	Access to justice depends on whether an individual encounters due process and fair proceedings when responding to their legal problems. This does not necessarily mean that an individual will like or agree with the outcomes of all proceedings, but rather that they encounter an impartial process where their economic standing or membership in a marginalized or vulnerable group does not impact the process they experience.
Outcomes	Finally, access to justice hinges on the outcomes of the justice process. While an individual does not need to be happy with a particular result, there must be a way to resolve a legal problem, evaluate the overall process, and measure the impact of the final outcome.

But just how well have OGP countries fared in providing access to justice? And for countries who have put forward commitments on access to justice, how responsive have those efforts been to existing needs? The remainder of this analysis examines how the OGP community has addressed access to justice.

GUIDANCE & STANDARDS

Global access to justice movement

Photo by: Eugenio Salazar / World Bank

Since the Commission on the Legal Empowerment of the Poor issued its report over ten years ago,[12] the international community has taken up access to justice and legal empowerment in a number of settings, including:

Goal 16 of the 2030 Agenda for Sustainable Development:

On 25 September 2015, the UN unanimously adopted the 2030 Agenda for Sustainable Development, which included 17 Goals to end extreme poverty. Among those goals, Goal 16 calls on countries to: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems:

In December 2012, the United Nations General Assembly adopted these 14 Principles and 18 Guidelines to help guide countries on the components of strong legal aid programs in the criminal justice context. While the Principles and Guidelines recognize that, "states employ different models for the provision of legal aid," they can be effective tools in strengthening and growing existing criminal legal aid systems throughout the world.[13] Since their adoption, the UN Commission on Crime Prevention and Criminal Justice has encouraged governments to strengthen the provision of criminal legal aid, including participation in bi-annual international conferences in South Africa, Argentina, and Georgia.

The fourteen principles lay out: (1) the right to legal aid; (2) the responsibilities of the state in the provision of this function; (3–5) the obligations to establish legal aid for persons suspected of or charged with a criminal offence, victims of crime, and witnesses; (6–7) the importance of administering a legal aid scheme that is free from discrimination, prompt, and effective; (8–9) the obligation to inform the criminally accused of their right to legal aid and provide remedies and safeguards in the provision of legal aid; (10) the availability of special measures for women, children, and groups with special needs; (11) the best interests of the child standard to be applied when relevant; (12–13) the legal aid function be independent, protected, competent, and accountable; and (14) the importance of partnership in producing the best legal aid system.

The eighteen guidelines provide more detail on these principles such as (1–2) the right to legal aid and how it should be provided and administered, including (3–6) when this right attaches throughout all levels of proceedings from the investigatory phase to post-trial stage. The guidelines also provide detail on the provision of legal aid to different individuals, such as (7–10) victims of crime, witnesses, women, and children. Finally, the guidelines provide concrete guidance (11–16) on how countries can establish, fund, staff, and regulate legal aid schemes, including partnering with non-state legal aid providers. The guidelines also encourage (18) the establishment of mechanisms to track, monitor, and evaluate legal aid and (19) the provision of technical assistance to states that request help.

UN Human Rights Council:

Many of the special rapporteurs, including the rapporteur on extreme poverty, have reviewed the provision of access to justice.

Organization for Economic Co-operation and Development:

Since 2015, the OECD has developed a robust portfolio on people-centered justice services led by the Secretariat under the auspices of the OECD's Public Governance Committee. The OECD has hosted a number of roundtables to explore these issues both at its headquarters and in a number of countries, and most recently issued reports on people-centered justice services, justice measurement, and the case for access to justice.[14]

Task Force on Justice:

Launched in 2018 as an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies, the Task Force on Justice brings together UN member states, international organizations, civil society, and the private sector to accelerate delivery of the SDG targets for peace, justice, and inclusion. In Spring 2019, the Task Force released its report, Justice for All, in which it describes the current justice gap and calls on governments, justice professionals, civil society, the private sector, international and regional organizations, foundations, and philanthropists to work together to shift toward people-centered justice.[15]

GOOD TO KNOW

Coalition on Justice

Photo by: Open Government Partnership

During the 2018 OGP Global Summit in Tbilisi, Georgia, five ministers of justice met to discuss the importance of justice in OGP, pledging to work together to advance justice in the Partnership.[16] This led to a second ministerial meeting convened during the 2019 Open Government Partnership Global Summit in Ottawa, Canada, with 14 ministries of justice and a number of civil society organizations (CSOs) in attendance. The goal of the meeting was to share activities to advance access to justice, open justice, and justice as a means to enforce open government through OGP; explore how these efforts, some of which are captured in OGP action plans, link to global agendas like SDG 16; and identify governments interested in founding a new OGP Coalition on Justice. The Coalition will be comprised of self-selected governments and CSOs interested in advancing justice through sharing best practices and lessons learned. Individual coalition members will also work to develop justice-related commitments in their OGP action plans.

Female citizens in Costa Rica work to empower and protect indigenous communities. Photo by: Open Government Partnership

How access to justice fares in OGP

While there have been a number of interesting commitments in OGP to advance access to justice, there remains significant room for growth. Indeed, out of more than 3,500 total commitments, only 28 have focused on access to justice (with many more on other aspects of the justice system). Of these access to justice commitments, 14 remain in various stages of implementation. Even so, analyzing these commitments is helpful in understanding how OGP countries have approached access to justice.

This section uses data from the World Justice Project's *Global Insights on Access to Justice 2019*, to examine legal need in OGP countries. It juxtaposes these findings with analysis of OGP commitments addressing legal needs. Where the IRM has reviewed commitments, a notation of the IRM's findings are included.[17] This analysis groups commitments related to access to justice in five primary categories:

1. **Legal problems:** This category refers to the types of legal problems most frequently encountered by the public. To better identify the prevalence of various types of legal problems, countries can develop, implement, and publish the results of legal needs surveys to identify the nature and impact of legal problems, as well as paths to resolution. It should be noted that carrying out legal needs assessment is itself an important access to justice activity by helping policymakers identify needed interventions. (See the case study box: "Canada: Identifying Legal Need & Their Costs" for an example of an open government approach to assessing legal needs.)
2. **Legal capability:** This category refers to people's knowledge and ability to understand the law, seek help, and navigate justice processes. This includes ensuring adequate access to information about legal solutions. (See the case study boxes: "Institutionalizing Community Paralegals: The South African Experience" and "Ireland's Efforts to Improve Access to Justice for Individuals with Limited Decision-Making Capacity.")
3. **Access to help:** This category refers to peoples' ability to get legal help, whether formal or informal, and the quality of that help. Examples of such policies include developing self-help resources, expanded legal assistance, and improving the services of justice offices. (See the case study boxes: "Indonesia's Effort to Increase the Availability and Quality of Legal Aid" and "Diversifying Funding for Legal Aid in the United States.")
4. **Justice processes:** This category refers to the availability and quality of processes to meet legal needs of the public. This implicates policies to improve the quality of dispute resolution forums including, but not limited to, courts. (See the case study box: "Establishing Specialized Courts.")
5. **Justice outcomes:** This category refers to the results of justice processes, including fairness, timeliness, cost, and downstream ill-effects. Policies in this area might ensure that in their journey to resolving their legal needs, individuals do not face inordinate costs, lost time, or health effects. (See the case study box: "Monitoring and Evaluating Access to Justice.")

GOOD TO KNOW

Legal needs can be measured

A relative stands next to the belongings of Rafaela Santiago displayed on a street after her eviction was carried out in Madrid, Spain. Photo by: Andrea Comas, Reeuters

The main dataset analyzed in this paper is drawn from *Global Insights on Access to Justice 2019: Findings from the World Justice Project General Population Poll in 101 Countries*, a study that provides comparable data on legal needs and access to civil justice across 101 countries and country-by-country analysis, representing more than 100,000 people.[18] From this effort, WJP identified the top six areas of legal need:

1. legal problems related to money and debt, or consumer issues;
2. disputes over housing, land, or neighbors;
3. problems related to violence and crime;
4. problems accessing public services;
5. family disputes; and
6. legal needs related to employment or businesses.[19]

Detailed data for each OGP country can be found online on the WJP website, available at: https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019. See Methods in the Annex for a discussion of how this paper utilizes WJP's global survey data.

Beyond the WJP survey, researchers are increasingly using legal needs surveys to identify unmet legal needs, which in turn can influence policymakers in their reform efforts. In early 2019, the OECD and the Open Society Justice Initiative published *Legal Needs Surveys and Access to Justice*, offering a framework for designing and analyzing legal needs surveys through a review of national surveys of the last 25 years.[20]

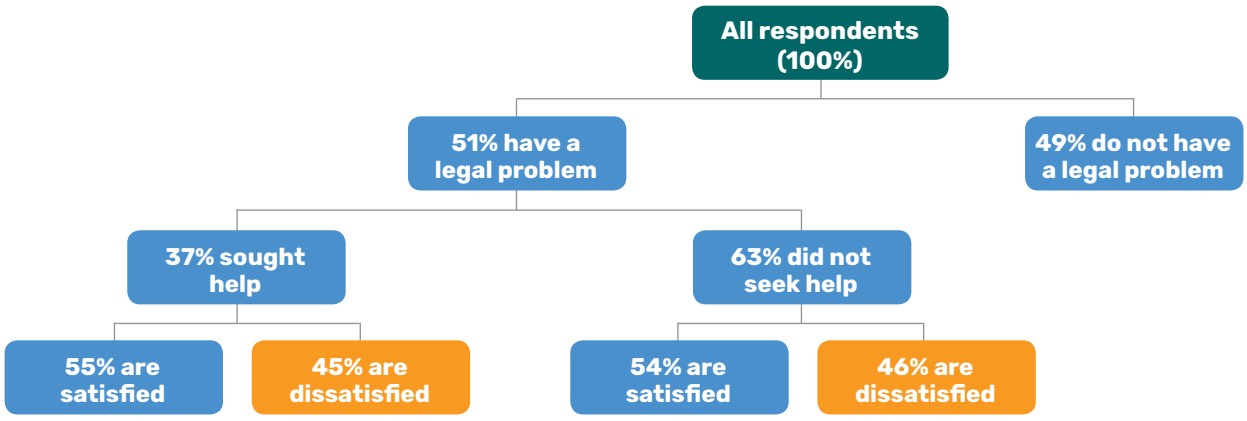
Legal problems

Half of people in OGP countries have faced a legal issue in the last two years. According to the World Justice Project's *Global Insights on Access to Justice 2019* dataset, on average, half (51%) of people in OGP countries experienced at least one legal problem in the last two years. (See Figure 1).

Just over one in three people with legal problems sought help, such as information, advice, or representation. In some cases, individuals believed they could handle the problem themselves; others faced barriers such as high costs or fear of missing work.

Only half of legal problems reached a satisfactory conclusion according to interviewees. Half of respondents with legal problems were dissatisfied, either with the process or the outcome. Those who sought help were marginally more satisfied than those who did not.

FIGURE 1. **Half of justice needs end in unsatisfactory outcomes**[21]



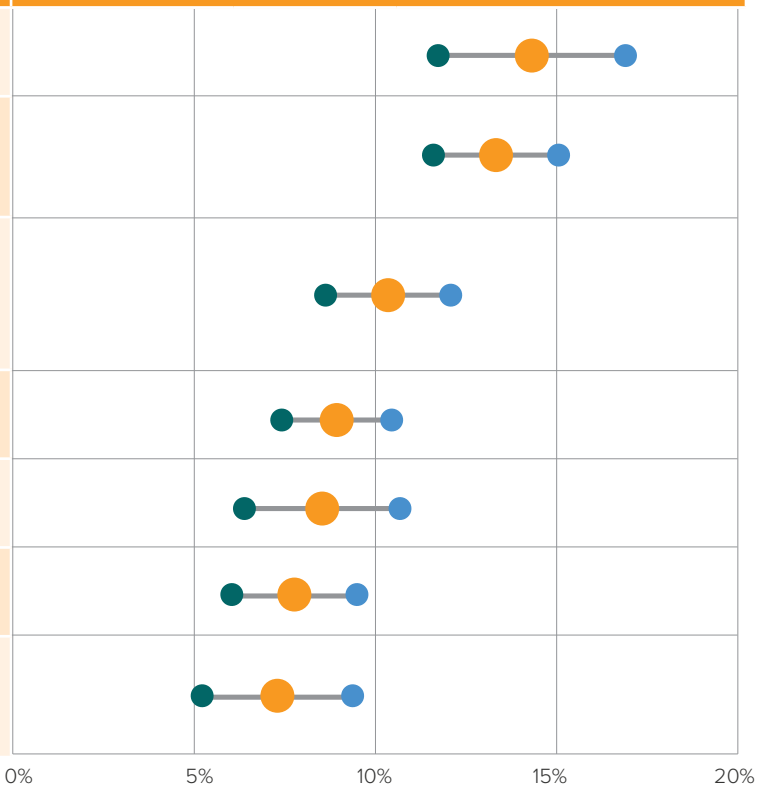
Base: All respondents from OGP countries (*n*=67,391)

In OGP countries, housing, consumer, and financial problems are the most common legal problems. On average, housing, consumer, and financial problems are the most typical legal problems faced by residents of OGP countries. This is shown in Table 3. These problems are most often found in high- and upper-middle-income countries, although they occur throughout OGP countries.

Legal problems tend to compound. Individuals with one legal problem tend to have multiple legal problems or legal problems that cross multiple categories. While there are a number of issues with a high rate of correlation, stress-related illness, injuries, and physical ill health have very strong correlations with employment issues (wrongful termination, denied wages, unemployment insurance, etc.) and obtaining government payment for disability.

TABLE 3. **Most frequent legal problems in OGP countries**[22]

Type	Legal problem	People experiencing problem
Housing	Problems with your neighbors over noise, litter, parking spots, or pets	
Consumer	Major disruptions in the supply of utilities (e.g. water, electricity, phone) or incorrect billing	
Consumer	Problems related to poor or incomplete professional services (e.g. services from a lawyer, builder, mechanic, etc.)	
Consumer	Problems related to obtaining a refund for faulty or damaged goods	
Money and Debt	Difficulties collecting money owed to you	
Public Services	Difficulties accessing care in public clinics or hospitals	
Money and Debt	Being behind on and unable to pay credit cards, utility bills (e.g. water, electricity, gas), or a loan	



Base: All respondents from OGP countries (n=67,391)

OGP Country Average* 95% LCL (Lower confidence limit) 95% UCL (Upper confidence limit)

** Average of 60 individual OGP country rates*

In poorer countries, problems with basic documentation and services are significantly more common than in higher income countries. Legal problems are unevenly distributed across OGP countries. In addition, most legal problems have outlier countries where the issue is much more common than in the rest of the world. Table 4 shows areas of legal need that are particularly prevalent in some countries. Two patterns are of interest. First, the legal problems listed in Table 4 are different from the most common legal problems across all OGP countries, as listed in Table 3. Second, the legal problems in Table 4 include issues related to basic identification and services (e.g., clean water and identity cards). The significance of these patterns is that legal problems vary widely across countries, but that countries with high poverty rates have fundamental challenges (e.g., access to sanitation) that burden the poor.[23]

TABLE 4. **Some problems are especially acute in a small number of countries**[24]

Type	Legal problem	Frequency across OGP countries*	Outliers**	
			Country	Frequency
Community & Natural Resources	Lack of access to water, sanitation, and/or electricity	5.3%	Pakistan	44.3%
			Burkina Faso	25.4%
Land	Problems obtaining land titles, property titles, or permission for building projects for own home	3.9%	Mongolia	16.3%
			North Macedonia	12.4%
Citizenship & ID	Difficulties obtaining a government-issued ID card	3.4%	Senegal	28.8%
			Pakistan	19.7%
Education	Difficulties obtaining a place at a school or other educational institution that you or your children are eligible to attend	3.2%	Burkina Faso	13.7%
			Mongolia	11.9%
Money and Debt	Being threatened, harassed, or extorted by a mob, a gang or another criminal organization	1.3%	Australia	5.7%
			Germany	5.4%

Base: All respondents from OGP countries (n=67,391)

** Average of 60 individual OGP country rates.*

*** Defined as greater than 3 standard deviations above the mean.*

Women have different legal needs than men. Problems are sometimes experienced differently between genders. On average, women and men report legal issues at about the same rate. However, the difference between male and female responses varies widely depending on the country. Women are more likely than men to report some legal issues in particular, as shown in Table 5.

TABLE 5. **Issues that affect women more often than men**[25]

Type	Legal problem	Number of people experiencing problem	Breakdown by gender*		Gender difference
			Men	Women	
Family	Difficulties obtaining child support payments	1,392	35%	65%	**30%**
Family	Threats or physical violence from a current partner, ex-partner or other household member	1,701	39%	61%	**21%**
Family	Disagreement over the content of a will or the division of property after the death of a family member	1,837	45%	55%	**10%**
Housing	Problems with neighbors over noise, litter, parking spots, or pets	9.277	48%	52%	**4%**

Base: All respondents from OGP countries who indicated gender (*n*=65,381)

Numbers may not add up due to rounding

** Values represent averages of 60 individual OGP country rates. Responses were weighted to account for uneven sample sizes between men and women.*

In general, the legal issues that men report more often than women are less common among the general population. They are also more varied in type. See Table 6 for the top issues that are reported mainly by men.

TABLE 6. **Issues that affect men more often than women**[26]

Type	Legal problem	Number of people experiencing problem	Breakdown by gender*		Gender difference
			Men	Women	
Law Enforcement	Being beaten up or arrested without justification by a member of the police or the military	811	65%	35%	**29%**
Money and Debt	Being threatened, harassed, or extorted by a mob, a gang or another criminal organization	831	59%	41%	**18%**
Employment	Difficulties obtaining wages or employment benefits that were agreed on in advance	2,848	59%	41%	**17%**
Community & Natural Resources	Problems with gangs, vandalism, or consumption of drugs or alcohol on the streets	3,292	58%	42%	**15%**
Housing	Problems with a tenant about rental agreements or property damage	2,205	56%	44%	**13%**

Base: All respondents from OGP countries who indicated gender (*n*=65,381)

Numbers may not add up due to rounding

** Values represent averages of 60 individual OGP country rates. Responses were weighted to account for uneven sample sizes between men and women*

LESSONS FROM REFORMERS

Canada: Identifying legal needs and their costs

Researchers can dig deeper at the national level. For example, in 2018, Justice Canada, partnering with several other federal departments, began work to have Statistics Canada develop and implement a national legal needs survey, currently called the National Legal Problems Survey (NLPS). The NLPS is based on a 2014 York University questionnaire and updated through consultations with federal departments and external stakeholders. Additional content development and a second round of testing will be completed in the Fall of 2019 with the goal of placing the NLPS in the field from 2020-2021, with results released the following year.

In addition to this government-led survey, a multistakeholder group is examining the social and economic costs of Canada's justice system between 2011-2018.[27] The *Cost of Justice Project* is producing empirical data to inform access to justice policy in Canada. The effort demonstrates a commitment by the government, academia, and civil society to better understand the costs to Canadian society from the justice gap.

Photo by: Open Government Partnership

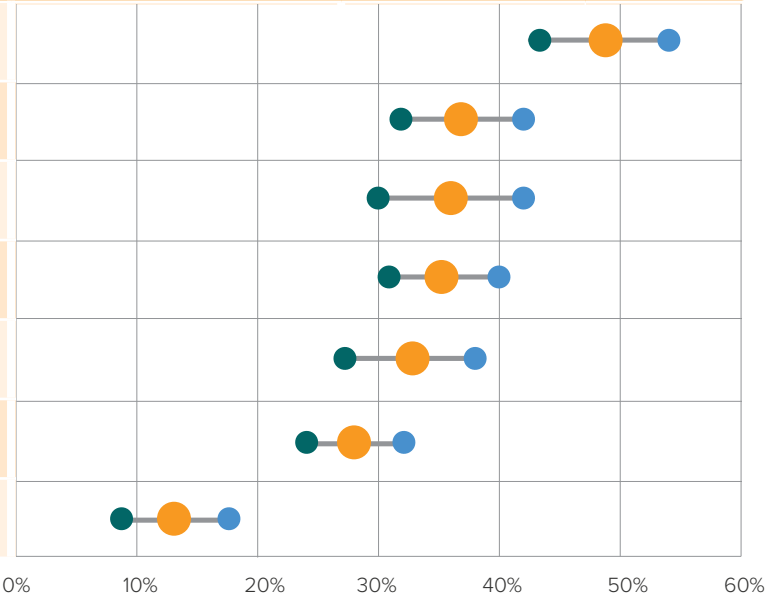
Legal capability

People need to know what their rights are, what the law is, and where to seek justice. This basic knowledge or legal capability is missing in many countries. OGP countries may be able to improve this situation by releasing more information on rights and legal services.

Most often, people do not see legal problems as legal in nature. Low rates of seeking legal help can be explained a number of ways, but a majority of people (more than two-thirds) do not understand that what they are facing is a legal issue. (See Table 7.)

TABLE 7. **Less than a third of people see legal problems as legal in nature**

Type	Percentage of respondents who think description fits their problem
Bad luck/part of life	
Economic	
A family or private matter	
A social or community matter	
Bureaucratic	
Legal	
Political	



Base: Respondents from 29 OGP countries with legal problems (*n*=12,755)

OGP Country Average* 95% LCL (Lower confidence limit) 95% UCL (Upper confidence limit)

** Average of 29 individual OGP country rates. Percentages are out of total number of people with legal problems. Note that some respondents thought that more than one description fit their problem.*

Only a slight majority of people with legal problems knew where to get legal advice and less than half obtained it. On average, 53% of respondents with legal problems knew where to go for advice. This was fairly consistent across countries. Only 41% reported being able to get the help that they needed. It is unclear whether this was because of barriers such as cost or lack of information.

A slight majority of people were confident that they could get a fair outcome. On average, 52% of respondents in OGP countries believed that they could get a fair outcome from a process to address their need.

What are OGP countries doing in this area?

OGP countries have taken a number of steps to improve legal capability. Most of these involve improving access to information about non-financial help and rights. Table 8 identifies the commitments relevant to enhancing legal capability.

The case study boxes that follow include two interesting examples for OGP members: South Africa's commitment to institutionalize community paralegals and Ireland's commitment that establishes court-appointed advocates to assist adults with disabilities.

TABLE 8. **OGP commitments on legal capability: Do people have access to information about the legal system?**

Average response rate in OGP country	OGP commitments that address this?	Related OGP commitments
67%	Commitments that give people access to information about formal justice processes, such as information related to their court cases	**France (FR0017) –** Publishes decisions of national courts, enabling citizens to better assess their chances of success when taking legal action, and information on judgments in civil litigation related to alimony and compensation (2015 action plan, IRM review: substantial completion of commitment) **Georgia (GE0001)** – Creates a Public Service Hall where individuals can request and receive personal legal documents, notary services, and court judgments all in one place, making the process of getting these documents more efficient (2012 action plan, IRM review: substantial completion of commitment) **Israel (IL0033) –** Introduces free, remote access to the court.net system for citizens and attorneys to increase access to information about court processes and services (2017 action plan, IRM review: pending) **Liberia (LR0030)** – Provides the public with information about laws and regulations and about how and when to access the formal justice system (2017 action plan, IRM review: pending) **Moldova (MD0074) –** Facilitates greater access to information about electronic justice services, including a system for recording interviews between individuals and their probation counselors to ensure transparency (2018 action plan, IRM review: pending) **Romania (RO0018)** – Establishes a case management portal to allow citizens to access information about their open cases (2012 action plan, IRM review: limited completion of commitment) **Slovakia (SK0112)** – Creates an online platform where citizens can access information about requirements for various legal processes such as filing a complaint or initiating court proceedings (2017 action plan, IRM review: pending) **Sierra Leone (SL0020)** – Creates a more transparent case management system, including quarterly updates on all pending court cases, which increases citizens' access to information about the kinds of issues that can be settled in court (2016 action plan, IRM review: limited completion of commitment)

TABLE 8. **Legal capacity commitments (continued)**

Average response rate in OGP country	OGP commitments that address this?	Related OGP commitments
67%	Commitments that give people access to information about their rights, where to turn for legal help and information, and non-judicial legal processes	**Albania (AL0020) –** Publishes information about the new electronic notary system and its services (2012 action plan, IRM review: substantial completion of commitment) **France (FR0017) –** Provides information about mediation services to enable citizens to better assess their chances of success in taking legal action (2015 action plan, IRM review: substantial completion of commitment) **Georgia (GE0001)** – Creates a Public Service Hall where individuals can request and receive personal legal documents, notary services, and court judgments all in one place, making the process of getting these documents more efficient (2012 action plan, IRM review: substantial completion of commitment) **Indonesia (ID0105) –** Seeks to strengthen marginalized communities' legal capacity and rights awareness through improved legal aid services (2018 action plan, IRM review: pending) **Liberia (LR0030) –** Seeks to ensure that citizens are aware of their rights and issues related to the rule of law (2017 action plan, IRM review: pending) **North Macedonia (MK0136)** – Creates a database with information about all forms of legal assistance and equal access to justice for citizens (2018 action plan, IRM review: pending) **North Macedonia (MK0137) –** Establishes civil society-managed Access to Justice Centers that will offer marginalized communities education about their rights and social protections (2018 action plan, IRM review: pending) **Romania (RO0018) –** Creates an online portal that will allow free access to information about legislation and law enforcement processes (2012 action plan, IRM review: limited completion of commitment) **South Africa (ZA0020) –** Improves citizens' access to information about their constitutional rights through the expansion of Community Advice Offices at the grassroots level (2016 action plan, IRM review: substantial completion of commitment)
	Commitments related to making the justice system affordable and making the available funding for legal help more transparent	**Burkina Faso (BF0003) –** Allocates resources to subsidize greater access to justice for the poor and makes court fee information publicly available (2017 action plan, IRM review: pending) **Ireland (IE0033) –** Seeks to make the system for determining the cost of court proceedings more transparent by requiring cost determinations be made public and regulates lawyers' fees to prevent overcharging and make these fees more transparent (2016 action plan, IRM review: limited completion of commitment) **Ireland (IE0035) –** Creates new rules for solicitors and barristers so that the way legal costs are charged is transparent (2016 action plan, IRM review: limited completion of commitment) **United States (US0100)** – Publish information on new and existing federal resources that can support the provision of civil legal aid (2015 action plan, IRM review: substantial completion of commitment)

Base: Respondents from 60 OGP countries with legal problems (*n*=33,065)

LESSONS FROM REFORMERS

Institutionalizing community paralegals: The South African experience

The use of community paralegals has gained momentum across the globe. Serving as grassroots advocates, they act as first responders to injustice in their communities. In South Africa, starting at least by the 1950s, community paralegals helped people navigate and resist apartheid.[28] Today, their role has expanded to responding to other criminal and civil justice needs and empowering the communities they serve to know, use, and shape the law.

In 2016, South Africa committed to institutionalizing Community Advice Offices (CAO) as part of its wider justice network, making these offices a permanent feature as a means to advance access to justice at the frontline of community engagement.[29] The National Alliance for the Development of Community Advice Offices (NADCAO), with the support of the Association of Community Advice Offices of South Africa, put forward the commitment, marking the first time a civil society-led commitment was incorporated into a South African national action plan. Its main objective was to contribute to the long-term development and sustainability of CAOs through skills and leadership training for paralegals. The desired next step is a formal regulatory framework and increased public funding.

LESSONS FROM REFORMERS

Improving access to justice for individuals with limited decision-making capacity in Ireland

In 2016, Ireland committed to support the independence of adults with capacity difficulties by statutorily creating decision support services for individuals with limited decision-making capacity.[30] The commitment, led by the Department of Justice and Equality and supported by the Department of Health's Decision Support Service, will revise the Irish legal framework to allow these individuals to enjoy greater control of their lives. This is done through a court-appointed decision-making assistant who helps the individual with limited capacity make important decisions (instead of preventing them from making such decisions at all). Enabling these individuals allows them to better resolve their own legal issues.

Photo by: Aubrey Wade/Namati

Access to legal help

An essential element of access to justice is the availability of help for individuals with legal needs. Sources of help may range from online resources that enable individuals to resolve legal problems on their own to securing representation by a legal professional. In OGP countries, individuals' ability to access help across this spectrum is generally strong.

Self-help: One in five people got help from sources like the internet, a booklet, or a mobile application. Self-help is strongly positively correlated with higher income countries, possibly due to higher education levels, greater internet access, or stronger rights education by the state, private sector, and nonprofits. On average, 21% of respondents with a legal problem sought help on their own, such as through the internet, the media, or other printed materials.

Seeking help: One in four people sought help for their legal problems from someone else. Twenty-eight percent of people with legal problems sought help from others, whether it was from a non-professional source, such as a friend, or a professional, such as a lawyer.

Friends and family are the most common source of advice, followed by lawyers or professional services. On average, half of respondents asked a friend or family member for help with their legal issues. This was, however, more concentrated in lower-middle- and low-income countries. (See Table 9.) Interestingly, there is a strong negative correlation between those who seek help from friends and family versus those who seek help from lawyers. This might reflect distrust of lawyers or repeat offenders of minor legal infractions (e.g., traffic ticket) that do not typically require professional representation.

TABLE 9. **Legal advice sought by type**[31]

Type of advisor	Average response rate*	Highest response rate	Country with highest response rate	Lowest response rate	Country with lowest response rate
Friend or family	**50%**	81%	Indonesia	14%	Argentina
Lawyer or professional advice service	**32%**	62%	Greece	4%	Senegal
A government legal aid office	**10%**	27%	Ghana	0%	Côte d'Ivoire
A court, government body, or the police	**10%**	25%	Malawi	0%	Honduras, Indonesia
A health or welfare professional	**8%**	25%	Finland	0%	Albania, Côte d'Ivoire, Guatemala, Indonesia, Jordan, Senegal
A religious or community leader or organization	**5%**	28%	Sierra Leone	0%	Albania, Argentina, Bosnia & Herzegovina, Chile, Colombia, Georgia, Mongolia, Northern Macedonia, Uruguay
A trade union or employer	**4%**	20%	Denmark	0%	Argentina, Guatemala, Indonesia, Jordan, Mexico, Northern Macedonia, Peru, Serbia
A civil society organization or charity	**3%**	10%	United Kingdom	0%	Albania, Bosnia & Herzegovina, Bulgaria, Dominican Republic, Guatemala, Jordan, Mexico, Romania, Trinidad and Tobago, Tunisia
Other organization	**8%**	19%	Dominican Republic	0%	Indonesia

Base: All respondents from OGP countries who sought help from an advisor for a legal problem (*n*=9,723)

** Values represent averages of 60 individual OGP country rates. Note that some respondents consulted multiple types of advisors.*

Residents of high-income countries are significantly more likely to engage with lawyers and expert legal advisors. Conversely, residents of low-income countries are highly unlikely to engage with a lawyer or other professional legal services. This may be a function of cost, ubiquity of professional legal services, or perceptions of professional legal service quality, among other factors.

Residents of low-income countries are significantly more likely to engage with religious organizations for help. Religious organizations are rarely sought for legal advice in high-income countries, but are much more frequently engaged in low-income countries. This reality raises a policy question: is there a more significant return on investment to building the capacity of faith-based organizations to perform legal work or does it simply indicate a greater need for investing in secular alternatives? The answer to this question might help policymakers in determining where to invest resources to improve access to justice for these communities.

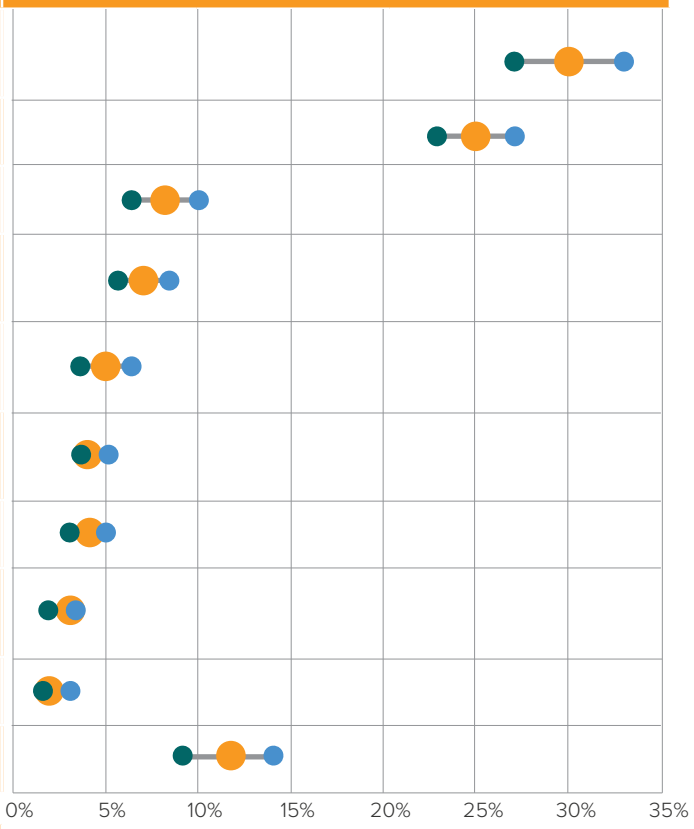
For employment issues, trade unions still remain the most commonly used resource in countries where workers have access to unions. There is a high correlation between wrongful terminations and job discrimination and people who seek legal advice from trade unions. In countries where employment issues are acute, ensuring that unions have adequate capacity to advise and represent clients could be an essential investment.

In general, self-help and use of expert legal advisors are reinforcing. Self-help is not a substitute for expert legal advice. The surveys show that people who educate themselves are also likely to use professional legal services. As a consequence, it may be wrong to assume that a mobile application or better rights education will be a substitute for traditional legal services.

People gave many reasons for not seeking help. The most common reason for not seeking help was that people thought the problem was not important or not difficult to resolve. (See Table 10.) The satisfaction rate among those who did not seek help largely depends on the reason they gave for not seeking help. About two-thirds of people who said the issue was not difficult to resolve or who thought they did not need advice were satisfied. By contrast, the satisfaction rate of everyone else, who gave other reasons such as financial cost or not knowing who to contact, was just above 40%.

TABLE 10. **Reasons for not seeking help**

Main reason for not seeking help	Respondents who selected reason: Frequency
I thought the issue was not important or not difficult to resolve	6,977
I did not think I needed advice	5,750
I was concerned about the financial cost	2,093
I did not know who to call or where to get advice	1,737
I did not know I could get advice for this problem	1,250
I had received help with a problem before and did not find it useful	1,400
Thought the other side was right	1,030
Advisers were too far away or it would take too much time	604
Was scared to get advice	576
Other	2,113
Grand Total	23,530



Base: All respondents from OGP countries who experienced a legal problem but did not seek help and gave a reason why (*n*=23,530)

OGP Country Average* 95% LCL (Lower confidence limit) 95% UCL (Upper confidence limit)

** Average of 60 individual OGP country rates*

What have OGP countries done to address this issue

In this arena, perhaps unsurprisingly, OGP countries have developed commitments to enhance existing sources of legal advice available through lawyers, government bodies, or offices, and by communities, nonprofits, or other organizations. While the majority of respondents in the WJP survey noted they sought advice from family and friends, there are no OGP commitments to leverage this reality so far.

The following case study boxes show two examples (the United States and Indonesia) of the executive branch working with civil society to increase the availability of legal aid by expanding and diversifying funding.

TABLE 11. **OGP commitments on sources of legal help**

Among people who ask for legal help, who do they ask?	Average response rate in OGP country	Related OGP commitments
Lawyer	**30%**	**Afghanistan (AF0003) –** Creates new specialized courts to address violence against women, which is supported by the bar association to ensure women's access to justice (2017 action plan, IRM review: pending) **Indonesia (ID0105)** – Increases the quality and availability of government-provided legal aid services and strengthens the legal framework to support local legal clinics (2018 action plan, IRM review: pending) **Ireland (IE0033)** – Regulates lawyers' legal fees to prevent overcharging and make lawyers' fees more transparent (2016 action plan, IRM review: limited completion of commitment)
Government body or office	**16%**	**Colombia (CO0057)** – Commits forensic scientists and legal doctors to investigate sexual crimes that occurred during the period of conflict, as part of the peace process (2017 action plan, IRM review: pending) **Indonesia (ID0105)** – Increases government funding to improve the quality and availability of community legal aid services (2018 action plan, IRM review: pending) **Ireland (IE0034) –** Introduces a statutory framework that ensures assistance will be provided to disabled individuals when making legal decisions (2016 action plan, IRM review: limited completion of commitment) **Moldova (MD0074)** – Extends network of government-provided paralegals in rural and urban areas to offer primary legal assistance to those communities (2018 action plan, IRM review: pending) **North Macedonia (MK0137)** – Establishes four access to justice centers to offer legal aid to all citizens (2018 action plan, IRM Review: pending) **United States (US0100)** – Publishes information on new and existing federal resources that can support provision of civil legal aid (2015 action plan, IRM review: substantial completion of commitment)

TABLE 11. **Sources of legal help (continued)**

Among people who ask for legal help, who do they ask?	Average response rate in OGP country	Related OGP commitments
Community, nonprofit, or other organization	**15%**	**Afghanistan (AF0003) –** Creates new specialized courts to address violence against women that will be supported by women rights networks and advocacy organizations to ensure women's access to justice (2017 action plan, IRM review: pending) **Indonesia (ID0105) –** Establishes a Community Legal Center where community members can access legal information and assistance from legal aid providers (2018 action plan, IRM review: pending) **North Macedonia (MK0137) –** Establishes civil society-managed access to justice centers that will offer marginalized citizens legal aid services and education about their rights and social protections (2018 action plan, IRM review: pending) **South Africa (ZA0020)** – Increases resources, including training, for Community Advice Offices to ensure that they can provide competent and sustainable legal aid services at the grassroots level (2016 action plan, IRM review: substantial completion of commitment)
Other professional (trade union, employer, health or welfare professional)	**12%**	No commitments to date.
Family or friend with a legal background	**17%**	No commitments to date.
Family or friend without a legal background	**37%**	No commitments to date.

Base: Respondents from 60 OGP countries with a legal problem who contacted an advisor (*n*=9,723)

LESSONS FROM REFORMERS

Indonesia's effort to increase the availability and quality of legal aid

The Indonesian Legal Aid Foundation ("ILAF") has been providing legal aid in Jakarta since the 1970s. Their services increased dramatically in the 1980s with assisting clients who were not only poor, but also marginalized and oppressed. ILAF's services include litigation, education and empowerment of community members, research, and policy advocacy. In recent years, ILAF has received support from the Open Society Foundations to enhance its provision of legal aid.

In 2018, Indonesia committed to creating regulations that guarantee funding for legal aid organizations, allowing them to expand their reach to more remote and impoverished communities while simultaneously strengthening the awareness and legal capacity of individuals who are poor and marginalized.[32] The commitment is aimed at the National Law Development Agency of Indonesia, but was co-created with the Ministry of National Development Planning/Bappenas and civil society actors ILAF and Medialink.

LESSONS FROM REFORMERS

Diversifying funding for legal aid in the U.S.

On the eve of adopting the 2030 Agenda for Sustainable Development in September 2015, the United States formally launched a federal interagency effort to integrate civil legal aid into executive branch-led efforts that promote access to health and housing, education and employment, family stability, and public safety.[33] The White House Legal Aid Interagency Roundtable (LAIR) brings over 20 federal agencies together to identify ways in which civil legal aid can advance federal priorities through four primary strategies: leveraging federal resources to strengthen civil legal aid, facilitating strategic collaboration between civil legal aid and law enforcement, developing policy recommendations that improve access to justice, and advancing evidence-based research, data collection, and analysis of access to justice interventions.[34] This activity, which enhances government transparency and civil society participation, was included as an OGP commitment in the U.S. Third National Action Plan. Importantly, LAIR agencies have worked across different presidential administrations to connect civil legal aid to each administration's priorities.[35]

Justice processes

It is not enough for individuals to obtain legal assistance for their problems. Many legal issues will lead individuals to a legal process or forum. The data from the WJP's access to justice dataset provides interesting insights into where people seek justice. Commitments related to justice processes are another major area of activity in OGP countries.

One-in-six (15%) individuals with legal issues turned to an authority to mediate, adjudicate, or resolve their problem. The most common authorities were courts and tribunals (48%), government offices (43%), and police and formal complaints processes (40%). (See Table 12.) Notably, the numbers add up to more than 100% for all categories reflecting the reality that people turn to more than one authority.

TABLE 12. **Who people turn to in OGP countries**

Where people turn	Average response rate	Highest response rate	Countries with highest response rate	Lowest response rate	Countries with lowest response rate
Court or tribunal	48%	76%	Tunisia	10%	Pakistan
Government office	43%	83%	Ukraine	13%	Côte d'Ivoire
Formal complaint or appeal process	40%	67%	Liberia	4%	Mongolia
Police	40%	72%	Liberia	8%	Brazil
Third party	37%	72%	Liberia	4%	Bulgaria
Religious or community organization/authority	22%	72%	Liberia	0%	Moldova, Serbia

Base: Respondents in 60 OGP countries whose legal problems are "done with", i.e. fully resolved or unresolved but the respondent has given up all actions to resolve the problem further (*n*=5,371)

In general, the authorities used are highly contingent on each country's unique system. The survey data does not point to strong correlations or patterns about whether individuals prefer courts, third-party processes, or government offices with the exception of religious organizations, which are used less frequently.

Religious organizations more frequently play a role in low-income countries and are almost never used in high-income countries. While, on average, religious organizations are the least frequently used (20%) within OGP countries, this masks the large role they play in a small number of low-income countries, where they are quite frequently used. As with their role in helping with legal advice (previous section), this raises the question of whether policy solutions should consider strengthening these institutions, providing alternatives, or both. Additionally, some countries have religious courts for personal status issues such as marriage, divorce, and child custody.

Formal complaints mechanisms are almost never used in low-income countries. It is unclear from the data if this is because they do not exist, people do not know how to use them, or people are not optimistic about their effectiveness.

Interior view of the high court in Makeni, Sierra Leone. Photo by: Aubrey Wade/Namati

The type of advisor people engage is strongly linked with the type of authority with which they are engaging. When people engage with the court system, they often enlist professional legal services. People are more likely to use self-help resources when they are appealing directly to a government office, using third-party processes, or using formal complaint mechanisms. People are more likely to use a court-appointed representative when dealing with issues of police violence.

People who appeal to one authority often appeal to multiple ones. This suggests that multiple channels for justice are preferred by members of the public.

What have OGP countries done in this area

OGP countries have put forward commitments to improve justice processes. Most of these involve focus on strengthening courts and tribunals by establishing new processes or courts. Some commitments also focus on education and training of judges.

Both Bulgaria and Afghanistan have included commitments related to specialized courts, as described in the case study box that follows.

TABLE 13. **OGP commitments focusing on improving justice processes**

Among people who sought help, where did they take their issue?	Average response rate in OGP country	Related OGP commitments
Court or tribunal	**48%**	**Afghanistan (AF0003) –** Creates new specialized courts in 12 provinces to address violence against women (2017 action plan, IRM review: pending) **Bulgaria (BG0041)** – Creates new judicial training on issues and needs of vulnerable groups (e.g., children, persons with disabilities, and persons with substance use disorders) and better equips judicial institutions to mitigate social inequality (2014 action plan, IRM review: limited completion of commitment) **Brazil (BR0096)** – Employs electronic judicial proceedings at regional electoral courts to make courts' service provision on election justice more efficient (2016 action plan, IRM review: substantial completion of commitment) **France (FR0017)** – Establishes standing jurisdiction councils with representatives from professional and civic associations to advise appellate courts on salient issues; publishes information on judgments in civil litigation cases related to alimony and compensation; and provides information about mediation services to enable citizens to better assess their chances of success in taking legal action (e.g., youth incarceration, family violence, etc.) (2015 action plan, IRM review: substantial completion of commitment) **Georgia (GE0001)** – Creates a Public Service Hall where individuals can request and receive personal legal documents, notary services, and court judgments all in one place, making the process of getting these documents more efficient (2012 action plan, IRM review: substantial completion of commitment) **Georgia (GE0007)** – Expands jury trials both geographically and to more categories of cases (2012 action plan, IRM review: commitment is complete) **Israel (IL0033) –** Introduces free, remote access to the court.net system for citizens and attorneys to increase access to information about court processes and services (2017 action plan, IRM review: pending) **Liberia (LR0030)** – Allocates resources for magistrate training and bolsters jury offices to improve judicial system capacity (2017 action plan, IRM review: pending) **Moldova (MD0074) –** Facilitates greater access to information about electronic justice services, including a system for recording interviews between individuals and their probation counselors to ensure transparency (2018 action plan, IRM review: pending) **Romania (RO0018)** – Creates an online court portal that allows litigants to submit certain documents electronically and track their case via an online case management system (2012 action plan, IRM review: limited completion of commitment) **Slovakia (SK0112)** – Creates an online platform where citizens can access information about requirements for various legal processes such as filing a complaint or initiating court proceedings (2017 action plan, IRM review: pending) **Sierra Leone (SL0020)** – Creates a more transparent case management system, including quarterly updates on all pending court cases, which increases citizens' access to information about the kinds of issues that can be settled in court (2016 action plan, IRM review: limited completion of commitment)

TABLE 13. **Justice processes (continued)**

Among people who sought help, where did they take their issue?	Average response rate in OGP country	Related OGP commitments
Government office	**43%**	**Albania (AL0020) –** Publishes information on the new electronic notary system and its services (2012 action plan, IRM review: substantial completion of commitment) **Georgia (GE0001)** – Creates a Public Service Hall where individuals can request and receive personal legal documents, notary services, and court judgments all in one place, making the process of getting these documents more efficient (2012 action plan, IRM review: substantial completion of commitment)
Formal complaint or appeal process	**40%**	**France (FR0017)** – Establishes jurisdiction councils to facilitate and make recommendations on access to mediation and conciliation (2015 action plan, IRM review: substantial completion of commitment) **Sierra Leone (SL0020)** – Implements the 2012 Access to Justice Law and introduces mediation services through public-private partnerships (2016 action plan, IRM review: limited completion of commitment)
Police	**40%**	No commitments to date.
Third party	**37%**	No commitments to date.
Religious or community organization/ authority	**22%**	**North Macedonia (MK0137) –** Establishes civil society-managed Access to Justice Centers that will offer marginalized communities education about their rights and social protections (2018 action plan, IRM review: pending) **South Africa (ZA0020) –** Improves citizens' access to information about their constitutional rights through the expansion of Community Advice Offices at the grassroots level (2016 action plan, IRM review: substantial completion of commitment)

Base: Respondents in 60 OGP countries whose legal problems are "done with", i.e. fully resolved or unresolved but the respondent has given up all actions to resolve the problem further (n=5,371)

LESSONS FROM REFORMERS

Afghanistan and Bulgaria: Establishing special courts

Specialized courts can provide greater access to justice and transparency for individuals with legal problems. They might enable a court to specialize in a particular area of the law–like domestic violence–or set out alternative processes to more expeditiously and fairly resolve legal problems–like problem-solving courts. Some OGP countries have pursued commitments related to establishing specialized courts and notably these commitments were created with leaders from across the justice sector, including the judiciary, executive branch, and civil society.

For example, in 2017, Afghanistan proposed a commitment led by its Supreme Court to establish violence against women special courts in twelve provinces in collaboration with civil society.[36] These courts will increase the number of existing violence against women special courts and take a gender- and victim-sensitive approach in these court proceedings. This includes employing female judges to preside over these courts and working with civil society organizations and the Ministry of Women's Affairs to ensure that women accessing the court have the services they need. The Supreme Court also committed to hold trainings on these special courts to ensure that other parts of the justice system–and subsequently the public–are aware of these services. Importantly, the Supreme Court also pledged to support these courts through its budget and funding obtained from international donor agencies.

Bulgaria offers another example of such a commitment. In 2014, Bulgaria committed to develop a process to establish problem-solving courts,[37] a court model developed in the United States that serves particular categories of issues or specific groups of people. In particular, Bulgaria committed to exploring such courts for two categories of individuals: children and people with disabilities.[38]

Students in the corridors at the Female Experimental High School in Herat, Afghanistan.
Phot by: Graham Crouch / World Bank

Justice outcomes

It is not enough to have institutions and processes in place intended to provide access to justice, the system must actually respond to the needs of individuals with legal problems. In particular, courts and other justice institutions must operate efficiently, produce fair results, and not create additional burdens for individuals with legal needs.

Resolution

Many legal problems remain unresolved. Just under half of respondents indicated that their problem was fully resolved. About a third of people said that their legal problem was not resolved because it was ongoing (or too early to say). The rest (17%) noted that their problem persists, but that they have given up all actions to resolve it further.

Fairness, speed, and cost

Courts were widely seen as the slowest and most expensive option for delivering justice. In addition, people were more likely to report financial difficulties when engaging with courts than any other process. Whether financial challenges are due to high court costs or the types of problems brought to them is unclear from this research.

Fairness is the strongest correlate of satisfaction. This finding is consistent with other research that shows a preference for fair processes and outcomes. Lack of resolution, slowness, and cost were all strong predictors of satisfaction, although not as strongly as fairness.

Slower and expensive processes are seen as less fair. While this is intuitive, it suggests that lowering costs and increasing speed may contribute to an improved sense of fairness.

Slowness is highly correlated with the perception of prohibitive cost. The more time a process takes, the more it typically costs and vice versa.

Hardship

Two in five people with a legal problem faced some sort of hardship. Stress-related illness was the most common hardship. This was felt disproportionately by women. As with many gender-related issues, this was very acute in a subset of countries and less frequent in most. By contrast, men reported a disproportionate prevalence of problems with alcohol and drugs as they dealt with their justice-related issues. (See Table 14.)

TABLE 14. **Frequency of hardship among people with a legal problem**

Type of hardship	Number of people experiencing hardship	Breakdown by gender*		Gender difference
		Men	Women	
Stress-related illness	9,574	45%	**55%**	11%**
Relationship breakdown	4,731	49%	**51%**	2%
Loss of employment or need to relocate	7,563	**51%**	49%	1%
Problems with alcohol or drugs	1,708	**58%**	42%	15%**

Base: All respondents from OGP countries who indicated gender and whether or not they experienced hardship (n=30,676)
Numbers may not add up due to rounding

** Values represent averages of 60 individual OGP country rates. Responses were weighted to account for uneven sample sizes between men and women*

*** Difference between the two genders is significant at the 95% confidence level*

Missed work was far more common in low-income countries than in high-income countries. This may be due to the relative distance or difficulty in accessing justice forums in more rural areas or the absence of worker protections and benefits such as vacation or hardship leave. In particular, missing work was highly correlated with using religious institutions to resolve legal needs based in family law or employment law.

What OGP countries are doing to improve justice outcomes

The majority of OGP commitments on justice outcomes focus on improving the timeliness and efficiency of court processes. Importantly, some of these commitments are led by the judiciary demonstrating the holistic nature of the OGP commitment process.

An important aspect to determining justice outcomes is measurement and evaluation. OGP as a community has put forward a collective commitment on exchanging best practices in indicator development around Goal 16. Uruguay has put forward a commitment at the national level to evaluate its efforts to improve access to justice for persons with disabilities. Both are described in the case study box that follows.

TABLE 15. **OGP commitments focusing on improving justice outcomes**

Category of concern and survey questions	Average response rate in OGP country	Related OGP commitments
TIME AND COST		
Timeliness: Percent of respondents who thought the process was slow (*n*=9,035)	**58%**	**Afghanistan (AF0003)** – Creates specialized courts in 12 provinces to address violence against women, which will allow these cases to be processed more quickly (2017 action plan, IRM review: pending) **Albania (AL0020)** – Establishes centralized electronic notary system that will enable access to all Albanian notaries in real time and shorten the time needed to fulfill requests (2012 action plan, IRM review: substantial completion of commitment) **Albania (AL0021)** – Processes citizens' claims online to reduce court processing time (2012 action plan, IRM review: substantial completion of commitment) **Brazil (BR0096)** – Employs electronic judicial proceedings at regional electoral courts to reduce wait times (2016 action plan, IRM review: substantial completion of commitment) **Georgia (GE0001)** – Creates a Public Service Hall where individuals can request and receive personal legal documents, notary services, and court judgments all in one place, making the process of getting these documents more efficient (2012 action plan, IRM review: substantial completion of commitment) **Ireland (IE0033)** – Encourages the use of alternative dispute resolution to speed up the process of resolving legal problems (2016 action plan, IRM review: limited completion of commitment) **Slovakia (SK0112)** – Creates electronic submission portals that will allow some state administration processes to be handled outside of court, such as filing complaints and initiating legal proceedings, shrinking court dockets and reducing wait times (2017 action plan, IRM review: pending)

TABLE 15. **Justice outcomes (continued)**

Category of concern and survey questions	Average response rate in OGP country	Related OGP commitments
Cost: Percent of respondents who thought the process was expensive (*n*=8,897)	**39%**	**Ireland (IE0033)** – Creates informal dispute resolution mechanisms to reduce the cost of accessing the justice system and classifies overcharging as "serious misconduct" (2016 action plan, IRM review: limited completion of commitment) **Ireland (IE0035)** – Creates new rules for solicitors and barristers to be more transparent about the way legal costs are charged (2016 action plan, IRM review: limited completion of commitment) **Slovakia (SK0112)** – Creates online submission portals that will allow some state administration processes to be handled outside of court, such as filing complaints and initiating legal proceedings, reducing wait times the need to hire lawyers in some instances (2017 action plan, IRM review: pending)
HELP		
Expert help: Respondent got all the expert help they needed (*n*=32,037)	**57%**	See Table 11 (OGP Commitments on sources of legal help) for a full record of commitments to date.
FAIRNESS		
Confidence: Respondent was confident they could achieve a fair outcome (*n*=32,664)	**70%**	**Afghanistan (AF0003)** – Creates specialized courts in 12 provinces to address violence against women using laws specifically applicable to such crimes in order to improve rule of law for this issue (2017 Action Plan, IRM Review: pending) **Georgia (GE0007)** – Expands jury trials both geographically and to more categories of cases (2012 Action Plan, IRM Review: commitment is complete) **Ireland (IE0033)** – Implements a new independent process to adjudicate the fairness of the costs of legal proceedings (2016 Action Plan, IRM Review: limited completion of commitment) **Liberia (LR0030)** – Institutes monitoring the performance of local courts, bolsters jury offices, and increases training for magistrates (2017 Action Plan, IRM Review: pending) **Malta (MT0017**) – Strengthens the Commission for Domestic Violence through increased resources to improve outcomes for victims of domestic violence (2018 Action Plan, IRM Review: pending) **Moldova (MD0074)** – Creates an online system for recording interviews between individuals and their probation counselors to prevent corruption (2018 Action Plan, IRM Review: pending)

Base: Respondents from 60 OGP countries. Sample sizes vary. See left-most column in the table for each category's sample size.

GOOD TO KNOW

Monitoring and evaluating access to justice

Men and women at the entrance of a school that teaches people with disabilities. Romania.
Photo by: Flore de Préneuf / World Bank

Monitoring and evaluation of justice processes and reforms are necessary to determine whether existing or new justice activity is effective and worth supporting.[39] Thanks in large part to the 2030 Agenda for Sustainable Development and the call to track progress through indicator development and data collection, the access to justice community has substantially advanced the dialogue around measuring justice.

During the 2016 Open Government Partnership Summit in Paris, governments and CSOs joined collective actions to support open government. The U.S. Government proposed a collective action item on justice and measurement, which was joined by over 20 governments and CSOs and was included in the Paris Declaration, the Summit's outcome document.[40] The collective action calls for governments and CSOs to work together to accelerate implementation of Goal 16 through sharing best practices on data collection and measurement of access to justice.[41]

In addition to peer-to-peer sharing of measurement information, some OGP countries have put forward national-level commitments tied to evaluating their access to justice efforts. For example, in 2018, Uruguay committed to design and implement a tool for monitoring and evaluating its National Plan for Access to Justice and Legal Protection of Persons with Disabilities.[42] The National Plan endeavors to eliminate obstacles that limit the rights of persons with disabilities and offers the community and CSOs an opportunity to participate in its implementation. This commitment will evaluate the effectiveness and inclusivity of the plan.

Improving OGP access to justice commitments

The Open Government Partnership will be stronger if more countries put forward ambitious commitments on access to justice that can be credibly implemented through government and civil society partnerships. Drawing on the successes of existing OGP commitments, as well as ongoing reforms not yet captured by the OGP process, the following is a sampling of commitments that countries can use when developing new access to justice commitments. These examples are primarily directed at executive-branch agencies, such as ministries of justice, but to be successful, they must include input and leadership from the judiciary and civil society, such as legal aid providers, advocates, and researchers. The fact that commitments around access to justice must involve a number of stakeholders from inside and outside of government further demonstrates how OGP's co-creation process is ideally suited to advance successful reforms.

Identifying legal needs

- **Legal needs surveys:** Develop, implement, and publish the results of legal needs surveys to identify the nature and impact of legal problems, as well as paths to resolution, so that policymakers have a clear understanding of the justice solutions and reforms needed.[43] (See the case study box "Canada: Identifying Legal Need & Their Costs.")
- **Legal resource surveys:** Collect and analyze data on the availability of resources for people to resolve their legal problems. Make the data and analysis public.

Improving legal capability

- **Non-lawyer contributions:** Establish legal authority and dedicated funding for non-lawyer contributions, such as community paralegals, to ensure independence and effective oversight.[44] This might be through new or revised legislation, regulation, or policies by government and/or civil society actors. (See the case study box **"**Institutionalizing Community Paralegals: The South African Experience.")
- **Access to information on resources:** Improve access to information about laws and procedures to enable individuals to identify their legal needs, identify sources of legal advice, and help themselves.[45] This might be through online portals where appropriate.
- **Specialized legal procedures:** Establish legal procedures to protect the rights of people with limited capacity or other vulnerability. (See the case study box "Ireland's Efforts to Improve Access to Justice for Individuals with Limited Decision-Making Capacity.")
- **Alternatives to courts:** Support non-court intensive solutions to legal problems, using technology when appropriate and feasible.

Ensuring access to help

- **Legal aid authority:** Create an independent legal aid authority that can establish, fund, staff, regulate, and evaluate the legal aid scheme.[46] Consider a multistakeholder approach bringing in legal professionals and community representatives.
- **Legal aid expansion:** Expand access to civil and criminal legal aid to improve accountability in the justice system. This may include expanding the provision of legal aid for problems that might not have adequate funding and expansion of partnerships with CSOs offering legal assistance. (See the case study box "Indonesia's Effort to Increase the Availability and Quality of Legal Aid.")
- **Programs for underserved communities:** Increase funding to existing legal aid services and establish new offices and services to reach isolated or underserved communities. Make budgets (and outcomes) transparent down to the program level.
- **Cooperation to address legal needs:** Protect and deepen civil society partnerships, especially with civil legal aid providers. Launch working groups comprised of government and civil society members to identify legal reforms needed to improve justice delivery systems through legal assistance and the courts.

- **Targeted partnerships:** Strengthen and institutionalize partnerships between CSOs and law enforcement, when appropriate, to better serve underserved communities and populations like victims of gender-based violence.
- **Legal aid funding:** Expand and diversify financing for legal assistance at national and subnational levels. This might include public sector partnerships to shore up justice interventions securing basic needs like housing, employment, and access to public services. (See the case study box "Diversifying Funding for Legal Aid in the United States.")
- **Pro bono services:** Revise legal profession regulations to support private sector lawyers' provision of services to low-income and vulnerable individuals for free (i.e., pro bono) where legal aid is not provided as a right.[47]
- **Law clinics:** Revise legal profession regulations to enable law students under the supervision of licensed attorneys to provide legal services to low-income and underserved individuals through law school clinics or with civil society organizations.[48]
- **Training of legal professionals:** Fund and launch training programs for legal aid lawyers, paralegals, and pro bono volunteers to improve their legal skills and knowledge in legal areas impacting low-income and underserved individuals.[49]

Strengthening justice processes

- **Plain language:** Reform legal systems to use clear and plain language in legal proceedings.[50]
- **Pretrial detention:** Limit use of pretrial detention to instances of serious public safety or substantial risk of a criminal defendant's failure to return to court.
- **Specialized courts:** Launch specialized courts or tribunals that focus on particular areas of the law. This may also include involvement mental health professionals or substance use disorder services in the resolution of legal problems. (See the case study box "Establishing Specialized Courts.")
- **Training judges:** Establish or enhance judicial training to ensure that judges are knowledgeable about the law and best practices in court procedures.
- **Special procedural mechanisms:** Reform procedural mechanisms to make it easier to bring legal problems to court, such as allowing class actions or banning mandatory non-judicial arbitration.
- **Children and juveniles:** Apply the best interests of the child standard when children are the subject of court proceedings, either as a victim or defendant.[51]

Improving justice outcomes

- **Data collection:** Improve data collection of justice system metrics, including the number and types of courts, court caseloads, and the number and type of legal actors (such as judges, prosecutors, legal aid, and paralegals).
- **Targeted evaluation of high-priority areas:** Fund measurement and evaluation of the justice system as a whole and priority cases like housing, employment, and access to public services.[52]
- **Targeted evaluation of special populations:** Evaluate whether marginalized communities (e.g., women, indigenous communities, ethnic minorities, religious minorities, or people with disabilities) are disparately impacted by the justice system to identify areas of reform. (See the case study box "Monitoring and Evaluating Access to Justice.")
- **Ombudsman:** Establish ombudsman offices to hear complaints on the judicial system and/or its actors.
- **Grievance procedures:** Working with the national bar or law societies, improve or develop grievance procedures related to the practice of law. This can enable individuals to file formal complaints related to their legal representation, a prosecutor's conduct, or judicial officer's conduct.

GOOD TO KNOW

The year of justice & OGP's commitment creation process

A young girl looks back as she and hundreds of mainland Chinese immigrants queue up for legal aid outside the Legal Aid Department in Hong Kong. Photo by: Reuters photographer, Reuters

Beginning in 2019, the OGP community can connect with increased global focus on access to justice through United Nations activity tied to the 2030 Agenda and Goal 16 in particular.

In July, the High-Level Political Forum on Sustainable Development, under the auspices of the UN Economic and Social Council, conducted an in-depth review of Goal 16, among other goals, and explored the theme of "Empowering people and ensuring inclusiveness and equality."

In September, the UN General Assembly convened an SDG Summit–the first UN summit to review the entire 2030 Agenda since its adoption in 2015.

These opportunities allow OGP countries to develop and finalize commitments related to the 2030 Agenda, including Goal 16 and access to justice. As with related activity, the United Nations is requesting voluntary initiatives called "SDG Acceleration Actions" undertaken by countries and other stakeholders demonstrating their commitment to speeding up the implementation of the 2030 Agenda.[53] OGP countries, with their civil society counterparts, can use existing OGP processes to create or finalize commitments on justice (and the other SDGs) with a focus on the OGP values of transparency, civic participation, and accountability.

Hannah (in white), a community paralegal working for BRAC, supports members of the facility health management committee (FMC) in Mamusa community (Sierra Leone) to conduct outreach and encourage community members to attend the scheduled health compact process. Photo by: Aubrey Wade/Namati

Annex: Methods

While there are many useful framings for how to measure access to justice, this analysis intentionally builds on the World Justice Project's (WJP) global survey on legal needs and access to justice. The data presented in the paper come from the access to justice module of the WJP's General Population Poll, administered in 2017 and 2018. WJP's conceptual framework to assess legal needs has a high rate of coverage of OGP countries (relative to other methods) and helps make complicated concepts understandable to non-expert audiences. There are a number of specific reasons for using this particular dataset.

- Transparency: The data is publicly available and its method is fully transparent, which keeps with OGP's values and promotes re-use and adaptation.
- Coverage: The dataset covers 101 countries, of which 60 are members of OGP.[54] The countries represent a variety of income levels. Individual country profiles can be found in the WJP report, here.
- Reliability: The method went through several rounds of testing.
- Representativeness of sample: Roughly 1,000 people were surveyed by professional polling organizations using a standard form, either in person or online. The survey was administered to a nationally representative sample of the population in 45 countries, and in the three largest cities of 56 countries.

WJP country profiles

Detailed data on legals needs and access to justice for each OGP country can be accessed on the WJP website, available at: https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019.

Methods

For purposes of this paper, the following steps were taken for analysis:

- **Case selection:** Only OGP countries were used. OGP countries skew toward upper- and lower-middle income countries. Only commitments in OGP action plans submitted as of June 2019 are included in the analysis.
- **Sample size:** The overall WJP sample size consists of 110,000 respondents (roughly 1,000 people in 101 countries). 63,000 of these come from OGP countries, which were the only ones analyzed for this paper. Of those, roughly half had some sort of legal problem. This is the core sample used for identifying correlations. Each table in the paper indicates the sample size for the analysis. For more information on survey design, see WJP's Access to Justice page.
- **Weighting:** Given that the number of total survey respondents varies per country, the average of individual country rates is used in the paper, as indicated in the notes below the tables. For the gender analysis, individual responses were weighted given that male and female respondents were not evenly represented in all countries.
- **Definitions:** Seeking help is defined by WJP as having obtained information 1) from the Internet, a software application, a video, a printed material, or the media (self-help); or 2) from a person or organization (advisor). In the survey, satisfaction is measured on a four-point scale: Very Satisfied, Satisfied, Dissatisfied, and Very Dissatisfied. For ease of analysis and visualization, this paper groups the first two terms into "Satisfied" and the latter two terms into "Dissatisfied".
- **Descriptive statistics:** For some analyses, the tables show confidence intervals that reveal the reliability of the individual estimates.
- **Correlation:** Basic correlations were carried out using bivariate analyses with one-tailed Pearson's Coefficient as the main method. With such a large sample size (at the individual level), most correlation coefficients were significant at the 99% level. As a consequence, this analysis only features those correlations with:

  (1) $p<.01$;

  (2) Pearson's coefficient of 0.175 or higher; and

  (3) low levels of endogeneity between variables. There is an extremely high correlation between those with certain types of problems and certain outcomes. For example, stress-related illness, injuries, or physical ill health (problem type) are highly correlated with hospital visits during legal procedures (outcome or hardship type). These types of correlations are not particularly illuminating so they have been left out of the analysis.

While the individual-level dataset is not publicly available, curious individuals are encouraged to write to research@opengovpartnership.org for additional inquiries.

Endnotes

[1] Open Government Partnership, *Democracy Beyond the Ballot Box*, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP-Brochure_Democracy-Beyond-Ballot-Box.pdf.

[2] General Assembly resolution 70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/Res/70/1 (25 Sept. 2015) 14, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf.

[3] *Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development* (OGP, 27 Sept. 2015) ¶1, http://live-ogp.pantheonsite.io/sites/default/files/attachments/OGP_declaration.pdf.

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[5] As the UN Secretary-General has noted, "Legal empowerment of the poor can be understood as the process of systemic change through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors." United Nations, General Assembly, *Legal empowerment of the poor and eradication of poverty: report of the Secretary-General*, A/64/133 (13 Jul. 2009) ¶3, https://www.un.org/ruleoflaw/files/N0940207.pdf.

[6] Sarah Chamness Long and Alejandro Ponce, *Measuring the Justice Gap: A People-Centered Assessment of Unmet Justice Needs Around the World* (World Justice Project, 2019), https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap.

[7] "Building a Business Case for Access to Justice" (preliminary draft), OECD White Paper in collaboration with the World Justice Project.

[8] Task Force on Justice, *Justice for All – Final Report* (New York: Center on International Cooperation, 2019) 39 and 66, https://www.justice.sdg16.plus/.

[9] *Equal Access to Justice for Inclusive Growth Putting People at the Centre* (Paris: OECD, 2019) 15, https://doi.org/10.1787/597f5b7f-en.

[10] The World Justice Project calls this process a justice path in its *Global Insights on Access to Justice 2019* report (https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019). The Task Force on Justice's Report uses a similar concept of "justice journey," which includes three stages: (1) empower people and communities, (2) access to people-centered justice services, and (3) fair outcomes. See Task Force on Justice, Justice for All – Final Report at 15–16.

[11] OECD and Open Society Justice Initiative, *Legal Needs Surveys and Access to Justice* (Paris: OECD, 31 May 2019), https://www.oecd.org/governance/legal-needs-surveys-and-access-to-justice-g2g9a36c-en.htm; *see also* Pascoe Pleasence and Nigel J. Balmer, "Justice & the Capability to Function in Society," *Daedalus* the Journal of the American Academy of Arts & Sciences (Winter 2019), 140–49 at 148, https://www.mitpressjournals.org/doi/pdfplus/10.1162/daed_a_00547.

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[14] *Equal Access to Justice for Inclusive Growth Putting People at the Centre* (Paris: OECD, 2019), https://www.oecd.org/governance/equal-access-to-justice-for-inclusive-growth-597f5b7f-en.htm; OECD and Open Society Justice Initiative, *Legal Needs Surveys and Access to Justice*; "Building a Business Case for Access to Justice" (preliminary draft), OECD White Paper; Pascoe Pleasance, OECD, OSF, and UNODC, "Access to and Quality of Justice," in *UN Governance Statistics Handbook* (forthcoming), coordinated by the Praia City Group (UN).

[15] Task Force on Justice, *Justice for All – Final Report*, 19.

[16] "SDG16+ August 2018" (Pathfinders for Peaceful, Just and Inclusive Societies, 2018), https://medium.com/sdg16plus/sdg16-newsletter-9f7aa6e5ad00.

[17] For an overview of the Independent Reporting Mechanism, please visit https://www.opengovpartnership.org/process/accountability/independent-reporting-mechanism/.

[18] Sarah Chamness Long and Alejandro Ponce eds., *Global Insights on Access to Justice*, (World Justice Project, 2019), https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019.

[19] *Id*.

[20] OECD and Open Society Justice Initiative, *Legal Needs Surveys and Access to Justice*.

[21] Percentages are calculated using the average of individual OGP country rates. See Methods in the Annex for definitions of the various terms.

[22] Only legal problems with a Lower Confidence Limit (LCL) above 5% are included in the table. Relative standard error for all legal problems is below 15%.

[23] Note: The authors did not have access to respondent-level data which would have allowed for identifying associations between socio-economic factors and other problems.

[24] Only problems with multiple outliers are listed in the table.

[25] Although women made up a majority of respondents for several other legal problems, this table only lists legal problems for which the 95% confidence interval for proportion of women experiencing the problem did not include 50%.

[26] Although men made up a majority of respondents for several other legal problems, this table only lists the top five legal problems in terms of gender difference. The other legal problems that men experienced more than women (at 99% confidence level) were (in order from largest to smallest gender difference): problems obtaining land titles, property titles, or permission for building projects for own home; problems related to squatting and land grabbing; being dismissed from a job unfairly; injuries or health problems sustained as a result of an accident or due to poor working conditions; problems related to poor or incomplete professional services; and difficulties collecting money owed.

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[30] "Improve Access to Justice: Framework to Assist Vulnerable Persons (IE0034)," (Ireland Commitment) (OGP, 2016) https://www.opengovpartnership.org/members/ireland/commitments/IE0034/.

[31] *See* Methods in the Annex for an explanation of weights and survey design.

[32] "Improvements to Legal Aid (ID0105)," (Indonesia Commitment) (OGP, 2018), https://www.opengovpartnership.org/members/indonesia/commitments/ID0105/.

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[35] Note: Maha Jweied, one of the drafters of this paper, helped lead this commitment when she was with the U.S. Department of Justice.

[36] "Courts to address Violence against Women (AF0003)," (Afghanistan Commitment) (OGP, 2017), https://www.opengovpartnership.org/members/afghanistan/commitments/AF0003/.

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[40] 38 Paris Declaration, Commitment 13 states: Supporting Justice for All through a focus on measurement and data collection Partners joining will accelerate implementation of Goal 16 through sharing best practices on data collection and measurement on access to justice that can strengthen the justice sector and lay the foundation for wider collaboration on the use of open government to support the rule of law and access to justice. This responds to the call to "Ensure equal access to justice for all," in Target 16.3 of the 2030 Agenda for Sustainable Development, and will require access to reliable data and the ability to measure the impact of justice interventions by governments and civil society on various populations over time as well as OGP's Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development. More information on the Paris Declaration is available here: https://en.2016.ogpsummit.org/paris-declaration/.

[41] Currently, the indicators assigned to Target 16.3 focus on the criminal system. OECD and the UN Development Programme (with technical input from WJP and Open Society Justice Initiative) put forward a recommendation to the Inter-Agency and Expert Group on SDG Indicators to add a new indicator focusing on the civil justice system: "INDICATOR 16.3.3: Proportion of those who experienced a legal problem in the last two years who could access appropriate information or expert help and were able to resolve the problem." To view the proposal, visit https://worldjusticeproject.org/sites/default/files/documents/16.3.3%20Flyer_Access%20to%20Civil%20Justice_final_en.pdf. See also the recommendation of the Task Force on Justice: "Measure progress: Agree [on] a new SDG16.3 indicator to measure progress on civil justice, supplementing existing criminal justice indicators, with voluntary national piloting ahead of its integration into the global indicator framework." Task Force on Justice, *Justice for All – Final Report* at 24.

[42] "National plan for persons with disabilities (UY0127)," (Uruguay Commitment) (OGP, 2018), https://www.opengovpartnership.org/members/uruguay/commitments/UY0127/.

[43] OECD and Open Society Justice Initiative, *Legal Needs Surveys and Access to Justice*.

[44] Peter Chapman, "Priority Commitments for Access to Justice and Legal Empowerment" in *Open Justice: An Innovation-Driven Agenda for Inclusive Societies* (2019) 331, https://www.opengovpartnership.org/wp-content/uploads/2018/07/opening_justice_working_draft_public_version.pdf; see also "How to Develop a Community Paralegal Program" (Namati); see also UN Office on Drugs and Crime, *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, Guidelines 12 and 14.

[45] Peter Chapman, "Priority Commitments for Access to Justice and Legal Empowerment" at 332.

[46] UN Office on Drugs and Crime, *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, Guidelines 12, 13, and 15.

[47] UN Office on Drugs and Crime, *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, Guideline 16.

[48] *Id*.

[49] *Id*. Guideline 11.

[50] E.g., UN Office on Drugs and Crime, *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, Guideline 5.

[51] *Id*. Principle 11.

[52] Currently, the indicators assigned to Target 16.3 focus on the criminal system. OECD and the UN Development Programme (with technical input from WJP and Open Society Justice Initiative) put forward a recommendation to the Inter-Agency and Expert Group on SDG Indicators to add a new indicator focusing on the civil justice system: "INDICATOR 16.3.3: Proportion of those who experienced a legal problem in the last two years who could access appropriate information or expert help and were able to resolve the problem." To view the proposal, visit https://worldjusticeproject.org/sites/default/files/documents/16.3.3%20Flyer_Access%20to%20Civil%20Justice_final_en.pdf. See also the recommendation of the Task Force on Justice: "Measure progress: Agree [on] a new SDG16.3 indicator to measure progress on civil justice, supplementing existing criminal justice indicators, with voluntary national piloting ahead of its integration into the global indicator framework." Task Force on Justice, *Justice for All – Final Report* at 24. See also OECD and Open Society Justice Initiative, *Legal Needs Surveys and Access to Justice*.

[53] The SDG Acceleration Action webpage, where governments and other stakeholders can register these commitments, is found at https://sustainabledevelopment.un.org/sdgsummit#acceleration-actions.

[54] These countries are: Afghanistan, Albania, Argentina, Australia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Cote d'Ivoire, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Indonesia, Italy, Jordan, Kenya, Kyrgyzstan, Liberia, Malawi, Mexico, Moldova, Mongolia, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Republic of Korea, Romania, Senegal, Serbia, Sierra Leone, South Africa, Spain, Sri Lanka, Sweden, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States, and Uruguay.

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